



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

SAM NUNN ATLANTA FEDERAL CENTER

61 FORSYTH STREET

ATLANTA, GEORGIA 30303-8960

February 16, 2021

ACTION MEMORANDUM

SUBJECT: Request for a Ceiling Increase at the Emergency Response Removal Action for the Lakes Parkway Lithium Battery Fire Site pursuant to the Federal On-Scene Coordinator's Delegated Authority Under CERCLA Section 104

FROM: Bryan Vasser, Federal On-Scene Coordinator
Emergency Response, Removal, Prevention, & Preparedness Branch

BRYAN VASSER
Digitally signed by BRYAN VASSER
Date: 2022.02.23 11:10:26 -05'00'

THRU: James W. Webster, Ph.D., Chief
Emergency Response, Removal, Prevention, & Preparedness Branch

James W.
Webster

Digitally signed by James W. Webster
DN: cn=James W. Webster, o=Superfund and
Emergency Management Division, ou=Emergency
Response, Removal, Prevention and Preparedness
Branch, email=jwebster.james@epa.gov, c=US
Date: 2022.02.23 11:14:31 -05'00'

TO: Carol J. Monell, Director
Superfund & Emergency Management Division

I. PURPOSE

The purpose of this Action Memorandum is to request and document additional funding needed to continue emergency response actions described herein for the Lakes Parkway Lithium Battery Site (the Site) located at 1665 Lakes Parkway, Lawrenceville, Gwinnett County, Georgia. The Site continues to pose a threat to public health and the environment and meets the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) section 300.415(b) criteria for removal actions. Site activities began under the attached Emergency Action Memorandum. A ceiling increase is necessary for the transportation and disposal of damaged lithium-ion batteries to remove the risk of fire and explosion and mitigate the release of hazardous substances to the environment. If approved, this ceiling increase will bring the total project ceiling to \$525,000 and will be funded through the Regional Removal Allowance.

II. SITE INFORMATION

A. Site Description

Site Name: Lakes Parkway Lithium Batteries Fire Site

Superfund Site ID (SSID): C4L8

NRC Case Number: 1324174

CERCLIS Number:

Site Location: 1665 Lakes Parkway, Lawrenceville, Gwinnett County, Georgia

Lat/Long: 33.963, -84.056

Potentially Responsible Party (PRP): Han Metal USA

NPL Status: Non-NPL

Removal Start Date: December 10, 2021

B. Site Background

1. Removal Site Evaluation

On December 7, 2021, the Gwinnett County Fire Department responded to a fire inside a battery collection and shipping company in an industrial park complex. The fire department isolated and removed several pallets of smoldering and burning lithium-ion batteries. The batteries were collected and placed outside near the building's loading dock to isolate in case of additional arcing and fire. A cleanup contractor arrived on the scene but was turned away by the responsible party, who assured the fire department they could remediate themselves.

Two days later, the fire department responded again to the same facility. The pallets of batteries had been moved and placed directly next to each other so the business could utilize their loading dock. The fire department notified the National Response Center (NRC report #1324174) and the Georgia Environmental Protection Division (GAEPD). GAEPD then notified the Region 4 Telephone Duty Officer to request assistance.

The Federal On-Scene Coordinator (FOSC) arrived on site on December 10 and met with the fire department, GAEPD personnel, and the responsible party. A cleanup contractor arrived on site, but a contract between the responsible party and contractor could not be accomplished. At that time, the FOSC presented the responsible party with a Notice of Federal Interest (NOFI) and Notice of Federal Assumption (NOFA) and federalized cleanup activities based on the responsible party's reluctance to secure a cleanup contract. The responsible party signed an access agreement for the U.S. Environmental Protection Agency to begin work.

2. Physical Location and Site Characteristics

The Site is located at 1665 Lakes Parkway, Lawrenceville, Gwinnett County, Georgia 30043. The Site is used to store and ship electronic waste overseas. There are three large concrete buildings located in the industrial park where the Site is located. A retention pond for the industrial park is located on the east side of the complex. Residential neighborhoods are directly east and north of the Site, and more industrial/commercial properties are located to the south and west.

Hundreds of large, burned lithium-ion batteries are setting on the asphalt pavement behind the building, near the loading dock. A stormwater drain is located approximately 10 feet from the burned batteries. The outfall of the stormwater drain is located approximately 500 feet south of the building, at the complex's retention pond. In addition, burned material and fire suppressant pellets were observed in the retention pond from firefighting activities.

III. THREATS TO PUBLIC HEALTH, WELFARE OR THE ENVIRONMENT

A. Nature of Actual or Threatened Release of Hazardous Substances, Pollutants, or Contaminants

Smoke from the burning lithium-ion batteries produces toxic gases, including hydrogen fluoride, a hazardous substance defined by Section 101(14) of CERCLA. Once released, these

gases, depending on wind direction can impact the residents in the nearby neighborhood to the north and east or the employees in other businesses in the industrial park. In addition, the compromised housing of the batteries from the previous fires constitute a threat to public health and the environment as the batteries continue to arc and catch fire, thereby creating more smoke that can migrate.

B. Applicable factors which were considered in determining the appropriateness of a removal action (40 CFR 300.415)

Section 300.415 of the National Contingency Plan (NCP) lists several factors to be evaluated in determining the appropriateness of a removal action. The following paragraphs apply to the Site:

Actual or potential exposure to nearby human populations, animals or the food chain from hazardous substances or pollutants or contaminants. §300.415(b)(2)(i).

A residential community is located less than 200 yards east of the Site and gases released at the Site could migrate into the neighborhood. Additionally, there are also multiple businesses located within 200 yards of this Site. Workers in those businesses could be exposed to toxic gases released at the Site depending on the prevalent wind direction. Conditions at the Site continue to represent exposure threats to nearby human populations, animals and the food chain from hazardous substances and pollutants.

Weather conditions that may cause hazardous substances or pollutants to migrate or to be released. §300.415(b)(2)(v).

Rain may react with the compromised batteries causing ignition. Additionally, runoff water from the batteries on the ground has been observed entering a nearby storm drain which empties into a retention pond. Water from this retention pond can migrate off-site to the Yellow River approximately a mile away, carrying hazardous substances with it.

Threat of fire or explosion. §300.415(b)(2)(vi).

Unsecured the lithium-ion batteries continue to self-ignite releasing toxic smoke into the environment.

The availability of other appropriate Federal or State response mechanisms to respond to the release. §300.415(b)(2)(vii).

The Potentially Responsible Party (PRP) has been given the opportunity to perform the cleanup and has declined. GAEPD does not have the funds to perform the cleanup and therefore GAEPD requested EPA's assistance.

IV. SELECTED REMOVAL ACTIONS AND ESTIMATED COSTS

A. Situation and Removal Activities to Date

1. Current Situation

The FOSC conducted an emergency removal site evaluation beginning on December 10, 2021.

Once access was obtained, the FOSC completed the site inspection. Due to the threat to human health and the environment caused by the burning batteries, which continually released toxic smoke into the atmosphere, the FOSC initiated an emergency response. Superfund Technical Assessment and Response Team (START) and Emergency and Rapid Response Services (ERRS) contractors were requested and mobilized to the Site.

The FOSC stabilized the fire and explosion hazard by submerging all of the damaged batteries in roll-off containers filled with a saltwater solution to discharge the energy of the batteries and reduce future fire and explosion hazards.

2. Removal Activities to Date

a. Federal Government/Private Party

On December 10, 2021, ERRS crews covered the batteries with sand and poly sheets to prevent further reactivity and suppress toxic smoke. Once materials arrived, the EPA attempted to package the damaged lithium-ion batteries for shipment and disposal. The batteries proved too unstable to package and ship safely. The EPA submerged all of the damaged batteries into a saltwater solution to discharge the energy of the batteries and thereby reduce future fire and explosion hazards.

The EPA has collected sediment and water samples from the stormwater retention pond. The EPA also collected water samples from the roll-off containers to determine appropriate disposal. The EPA has conducted air monitoring throughout the response to determine if any hazardous substances are released to the surrounding community.

b. State/Local

Gwinnett County Fire Department was on scene December 10 until the sand was delivered to cover the batteries. Several flare-ups from the batteries were observed until the batteries were covered with sand. The fire department demobilized once the batteries were covered with sand on December 10.

3. Enforcement

The PRP stated that he did not have the funds available to respond to the release or perform any of the required cleanups. GAEPD requested the EPA's assistance. The OSC is working with SEMD's Enforcement Branch to identify PRPs. An initial enforcement addendum, containing the information known as of the date of this Ceiling Increase Action Memorandum, is attached while additional information is being gathered by the Enforcement Branch.

B. Planned Removal Actions

1. Anticipated immediate removal activities for the Site include, but are not limited to, the following:

- a. Implement removal actions to abate the threat to human health and the environment based on the results of further investigation.
- b. Segregate batteries by type, and package for shipment
- c. Ship waste generated for the response off-site for proper waste disposal.

2. Contribution to Remedial Performance

Any potential long-term remedial actions will be coordinated with the appropriate state and federal programs and will be consistent with the Remedial Design for the Site.

3. ARARs

Removal actions conducted under CERCLA are required to attain ARARs to the extent practicable. In determining whether compliance with ARARs is practicable, the OSC may consider appropriate factors, including the urgency of the situation and the scope of the removal action to be conducted.

C. Estimated Costs

Extramural costs:	Current Ceiling	Proposed Increase	Proposed Ceiling
Contractor costs (ERRS)	\$200,000	\$200,000	\$400,000
Contractor costs (START)	\$50,000	\$27,000	\$ 77,000
Contingency costs	\$0	\$ 48,000	\$ 48,000
Total Removal Project Ceiling	\$250,000	\$275,000	\$525,000

EPA direct and indirect costs, although cost recoverable, do not count toward the Removal Ceiling for this removal action. Liable parties may be held financially responsible for costs incurred by the EPA, as set forth in Section 107 of CERCLA.

V. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

A delay in action or no action at this Site would have increased the actual or potential threats to the public health and/or environment.

VI. OUTSTANDING POLICY ISSUES

None.

VII. RECOMMENDATION

This decision document represents the selected removal action for the Lakes Parkway Lithium Battery Fire Site in Lawrenceville, GA, developed in accordance with CERCLA as amended and not inconsistent with the NCP. This decision is based on the Administrative Record for the Site. Conditions at the Site continue to meet the NCP Section 300.415(b) criteria for a removal action. I recommend your approval for the proposed action to allow continued removal response. The total projected ceiling, if approved, will be \$525,000 from the Regional Removal Allowance.

APPROVED: **CAROL MONELL** Digitally signed by
CAROL MONELL
Date: 2022.02.23
15:31:13 -05'00' _____ DATE: _____
Carol J. Monell, Director
Superfund & Emergency Management Division

DISAPPROVED: _____ DATE: _____
Carol J. Monell, Director
Superfund & Emergency Management Division

Attachment:

1. Lakes Parkway Lithium Battery Site – ER Action Memo
2. Lakes Parkway Lithium Battery Site - Enforcement Addendum



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

January 20, 2022

\$250,000 EMERGENCY ACTION MEMORANDUM

DATE: January 20, 2022

SUBJECT: Action Memorandum for an Emergency Response Removal Action at the Lakes Parkway Lithium Batteries Fire Site pursuant to the Federal On-Scene Coordinator's delegated authority under CERCLA Section 104

FROM: Jason Booth, Federal On-Scene Coordinator
Emergency Response, Removal and Prevention Branch

THRU: James W. Webster, Ph.D., Chief **MATTHEW TAYLOR**
Emergency Response, Removal and Prevention Branch

TO: Site File

Digitally signed by
MATTHEW TAYLOR
Date: 2022.01.20
16:31:06 -05'00'

I. PURPOSE

The purpose of this memorandum is to document the decision to initiate emergency response actions described herein for the Lakes Parkway Lithium Batteries Fire Site (the Site) located in the area of 1665 Lakes Parkway, Lawrenceville, Gwinnett County, Georgia pursuant to the Federal On-Scene Coordinator's (FOSC) delegated authority under CERCLA Section 104.

II. SITE INFORMATION

A. Site Description

Site Name: Lakes Parkway Lithium Batteries Fire Site
Superfund Site ID (SSID): C4L8
NRC Case Number: 1324174
CERCLIS Number:
Site Location: 1665 Lakes Parkway, Lawrenceville, Gwinnett County, Georgia
Lat/Long: 33.963, -84.056
Potentially Responsible Party (PRP): Han Metal USA
NPL Status: Non-NPL
Removal Start Date: December 10, 2021

B. Site Background

1. Removal Site Evaluation

On December 7, the Gwinnett County Fire Department responded to a fire inside a

battery collection and shipping company in an industrial park complex. The fire department isolated and removed several pallets of smoldering and burning lithium-ion batteries. The batteries were collected and placed outside near the building's loading dock to isolate in case of additional arcing. A cleanup contractor arrived on the scene but was turned away by the responsible party, who assured the fire department they could remediate themselves.

Two days later, the fire department responded again to the same facility. The pallets of batteries had been moved and placed directly next to each other so the business could utilize their loading dock. The fire department notified the National Response Center (NRC report #1324174) and the Georgia Environmental Protection Division (GAEPD). GAEPD then notified Region 4 Telephone Duty Officer for assistance.

The Federal On Scene Coordinator (FOSC) arrived on site on December 10 and met with the fire department, GAEPD personnel and the responsible party. A cleanup contractor arrived on site, but a contract between the responsible party and contractor could not be accomplished. At this time, FOSC presented the responsible party with a Notice of Federal Interest (NOFI) and Notice of Federal Assumption (NOFA) and federalized the cleanup activities based on the responsible party's reluctance to secure a cleanup contract. The responsible party signed an access agreement for EPA to begin work.

2. Physical Location and Site Characteristics

The Site is located at 1665 Lakes Parkway, Lawrenceville, Gwinnett County, GA 30043. The Site is used to store and ship electronic waste overseas. There are three large concrete buildings located in the industrial park where the site is located. A retention pond for the industrial park is located on the east side of the complex. Residential neighborhoods are directly east and north of the site, and more industrial/commercial properties are located to the south and west.

Hundreds of large, burned lithium-ion batteries are on the asphalt behind the building near the loading dock. A stormwater drain is located approximately ten feet from the burned batteries. The outfall of the stormwater drain is located approximately 500 feet south of the building at the complex's retention pond. In addition, burned material and fire suppressant pellets were observed in the retention pond from firefighting activities.

III. THREATS TO PUBLIC HEALTH, WELFARE OR THE ENVIRONMENT

A. Nature of Actual or Threatened Release of Hazardous Substances, Pollutants or Contaminants

Smoke from burning lithium-ion batteries produces many toxic gases, including hydrogen fluoride, a hazardous substance defined by Section 101(14) of CERCLA. In addition, the compromised housing units of the batteries from the previous fires constitute a threat to public health and the environment as the batteries continue to arc and self-ignite.

B. Applicable factors which were considered in determining the appropriateness of a removal action (40 CFR 30.415)

Section 300.415 of the National Contingency Plan (NCP) lists several factors to be evaluated in determining the appropriateness of a removal action. The following paragraphs apply to the Site:

Actual or potential exposure to nearby human populations, animals or the food chain from hazardous substances or pollutants or contaminants. §300.415(b)(2)(i).

A residential community is located less than 200 yards east of the Site. These conditions represent exposure to nearby human populations, animals and the food chain from hazardous substances and pollutants.

Weather conditions that may cause hazardous substances or pollutants to migrate or to be released. §300.415(b)(2)(v).

Rain may react with batteries causing ignition. Additionally, rain runoff from the batteries on the ground has been observed entering a nearby storm drain that empties into a retention pond causing hazardous substances and or pollutants to migrate off-site.

Threat of fire or explosion. §300.415(b)(2)(vi).

The lithium-ion batteries continue to self-ignite and flare up, releasing toxic smoke into the environment.

The availability of other appropriate Federal or State response mechanisms to respond to the release. §300.415(b)(2)(vii).

The Potentially Responsible Party (PRP) has been contentious and slow to hire a response contractor to address the threat of the burning batteries. As a result, GAEPD requested the EPA's assistance.

Other situations or factors that may pose threats to the public health or welfare of the United States or the environment. §300.415(b)(2)(viii).

The facility is located near residential structures, and the PRP has been contentious about hiring a cleanup contractor to address the burning batteries to prevent further environmental harm.

IV. SELECTED REMOVAL ACTIONS AND ESTIMATED COSTS

A. Situation and Removal Activities to Date

1. Current Situation

FOSC conducted an emergency removal site evaluation beginning on December 10. Once access was obtained, the FOSC completed the site inspection. Due to the imminent and substantial threat to human health and the environment caused by the burning batteries,

which continually released toxic smoke into the atmosphere, FOSC initiated an emergency response. Superfund Technical Assessment and Response Team (START) and Emergency and Rapid Response Services (ERRS) contractors were requested and mobilized to the Site.

2. Removal Activities to Date

a. Federal Government/Private Party

On December 10, ERRS crews covered batteries with sand and poly sheets to prevent further reactivity and suppress toxic smoke. Once materials arrived on site the next day, crews began placing individual batteries in plastic bags. The bagged batteries were next layered in steel drums between fire suppressant pellets. Battery-filled drums are being temporarily staged in a locked storage box on site.

On December 11, START collected sediment and water samples from the retention pond that collected runoff from the multiple firefighting operations.

b. State/Local

Gwinnett County Fire Department was on scene December 10 until the sand was delivered to cover the batteries. Several flare-ups from the batteries were observed until the batteries were covered with sand. The fire department demobilized once the batteries were covered with sand on December 10.

3. Enforcement

B. Planned Removal Actions

1. ERRS Crews mobilized on December 10 to begin emergency removal activities. START mobilized to the site on December 11.
2. Anticipated immediate removal activities for the Site include, but are not limited to, the following:
 - a. Cover batteries with sand to prevent off-gassing of toxic smoke
 - b. Segregate batteries by kind, bag and secure in drums
 - c. Collect sediment and water samples from the retention pond
 - d. Secure the drums containing batteries in storage boxes pending off-site disposal arrangements
 - e. Dispose of batteries
 - f. Remediate, if necessary, the retention pond

- g. Conduct further studies to determine additional threats to human health and the environment
- j. Implement removal actions to abate the threat to human health and the environment based on the results of further studies

3. Contribution to Remedial Performance

The proposed actions will, to the extent practicable, contribute to the efficient performance of any long-term remedial action at the site.

4. ARARs

Removal actions conducted under CERCLA are required to attain ARARs to the extent practicable. In determining whether compliance with ARARs is practicable, the OSC may consider appropriate factors, including the urgency of the situation and the scope of the removal action to be conducted.

C. Estimated Costs¹

Contractor costs (ERRS)	\$200,000
Contractor costs (START)	\$ 25,000
Contingency costs	\$ 25,000
Total Removal Project Ceiling	\$250,000¹

¹EPA direct and indirect costs, although cost recoverable, do not count toward the Removal Ceiling for this removal action. Liable parties may be held financially responsible for costs incurred by the EPA as set forth in Section 107 of CERCLA.

V. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

A delay in action or no action at this Site would have increased the actual or potential threats to the public health and or environment.

VI. OUTSTANDING POLICY ISSUES

None.

VII. APPROVALS

This decision document represents the selected removal action for this Site, developed in accordance with CERCLA as amended, and not inconsistent with the National Contingency Plan. This decision is based on the administrative record for the Site.

Conditions at the Site meet the NCP section 300.415(b) criteria for a removal action, and through this document, I am approving the proposed removal actions. The total project ceiling is

\$250,000, this amount will be funded from the Regional Removal Allowance.

Digitally signed by Jason
Booth
Date: 2022.02.02
16:03:31 -05'00'

Jason Booth
Federal On-Scene Coordinator

Date

ENFORCEMENT ADDENDUM

Han Metal USA is the operator of the facility. Han Metal USA Corporate Officer is:

President – Yoon T. Kim

1665 Lakes Parkway, Suite 116

Lawrenceville, GA 30043

678-276-9964

Attachment 2

ENFORCEMENT ADDENDUM

Han Metal USA is the operator of the facility. Han Metal USA Corporate Officer is:

President – Yoon T. Kim

1665 Lakes Parkway, Suite 116

Lawrenceville, GA 30043

678-276-9964

Information current as of the date of the Ceiling Increase Action Memorandum